

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JAN 15 2019

Clerk, U S District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL ARNOLD DELACK,

Defendant.

Cause No. CV 18-17-BLG-SPW

ORDER

On January 2, 2019, counsel for Defendant Delack moved the Court to correct the sentence under Federal Rule of Criminal Procedure 35(a). Delack argues that the First Step Act's revision of the safety valve, *see* 18 U.S.C. § 3553(f), should have applied in his case. *See* Mot. to Correct (Doc. 46) at 1–2.

The First Step Act was enacted into law on December 21, 2018, when the President signed it. *See* U.S. Const. Art. I, § 7, cl. 2. Section 402 of the Act, which implemented the safety valve amendment, says “[t]he amendments made by this section shall apply only to a conviction entered on or after the date of enactment of this Act.” *See* FIRST STEP Act of 2018, Pub. L. No. 115-____,¹ S.

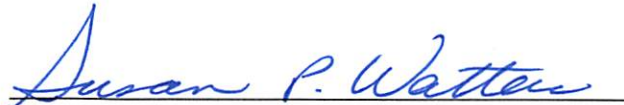
¹ The Office of the Federal Register at the National Archives and Records Administration has advised the Administrative Office of the United States Courts that public law numbers are not assigned during a federal government shutdown. *See also* National Archives

756, tit. IV, § 402(b) (Dec. 21, 2018).

Delack pled guilty on August 9, 2018, and was sentenced on December 19, 2018. The Act does not apply to him.

Accordingly, IT IS HEREBY ORDERED that Delack's motion to correct the sentence (Doc. 46) is DENIED.

DATED this 15th day of January, 2019.


Susan P. Watters
United States District Court